

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and	:
THE STATES OF CALIFORNIA, COLORADO,	:
CONNECTICUT, DELAWARE, DISTRICT OF	:
COLUMBIA, FLORIDA, GEORGIA,	:
HAWAII, ILLINOIS, INDIANA, IOWA,	:
LOUISIANA, MARYLAND,	:
MASSACHUSETTS, MICHIGAN,	:
MINNESOTA, MONTANA, NEVADA,	:
NEW HAMPSHIRE, NEW JERSEY,	:
NEW MEXICO, NEW YORK, NORTH	:
CAROLINA, OKLAHOMA, RHODE ISLAND,	:
TENNESSEE, TEXAS, VIRGINIA,	:
WISCONSIN, THE CITY OF CHICAGO,	:
AND THE CITY OF NEW YORK,	:
<i>ex rel.</i> OMNI HEALTHCARE INC.,	:
	:
Plaintiffs,	:
	:
v.	:
	:
AMERISOURCEBERGEN,	:
AMERISOURCEBERGEN SPECIALTY GROUP,	:
ION SOLUTIONS, and	:
ONCOLOGY SUPPLY,	:
	:
Defendants.	:
-----X	

Civil Action No.
CV-12-1178

(Gershon, J.)
(Tiscione, M.J.)

STIPULATION OF DISMISSAL AND ORDER

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the September 28, 2018 Settlement Agreement (“Settlement Agreement”) between the United States, Relator Omni Healthcare Inc., and Defendants AmerisourceBergen, AmerisourceBergen Specialty Group, ION Solutions, and Oncology Supply (collectively, the “ABC Defendants”), the Parties hereby stipulate, through their undersigned counsel, to the entry

United States ex rel. Omni Healthcare Inc. v. AmerisourceBergen, et al.,
CV-12-1178 (Gershon, J.) (Tiscione, M.J.)

of an order (1) dismissing with prejudice all civil monetary claims on behalf of the United States against the ABC Defendants for the Covered Conduct as defined in Recitals Paragraph H of the Settlement Agreement, (2) dismissing without prejudice to the United States and with prejudice to Relator Omi Healthcare Inc. all other claims against the ABC Defendants asserted on behalf of the United States by Relator Omni Healthcare Inc., and (3) dismissing with prejudice all claims against the ABC Defendants on behalf of Relator Omni Healthcare Inc. under 31 U.S.C. § 3730(d) with respect to attorney's fees, costs and expenses.

This Stipulation of Dismissal does not apply to or affect in any way the action entitled *United States of America, et al. v. McKesson Corporation, et al.*, Civil Action No. CV-12-06440 (E.D.N.Y.).

Dated: Brooklyn, New York

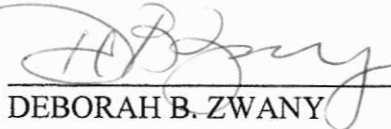
November 8, 2018

For the United States:

Respectfully submitted,

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By:


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Civil Division
United States Department of Justice

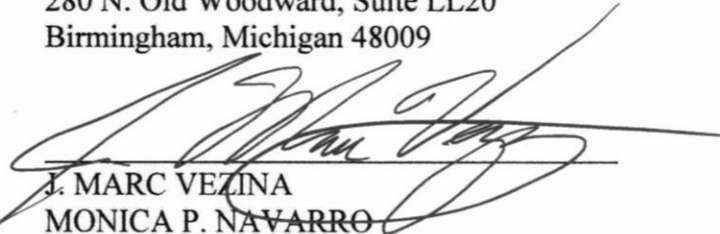
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By:



ERIC W. SITARCHUK
JOHN J. PEASE III
RYAN P. McCARTHY

SO ORDERED:

Brooklyn, New York

_____, 2018

HONORABLE NINA GERSHON
United States District Judge, E.D.N.Y.